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Docket No. 740819-261
Serial No. 09/351,160
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

12/23/02
JSm TL

In re Patent Application of:

Masaaki NISHIJIMA

Serial No. 09/351,160

Filed: July 12, 1999

For: SEMICONDUCTOR DEVICE

) Group Art Unit: 2811

) Examiner: Douglas W. Owens

)

) Date: December 17, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on December 17, 2002.

Jeannie Saxton

SUPPLEMENTAL REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

As supplement to Applicant's previous Request for Reconsideration and in response to the Advisory Action dated November 20, 2002 as well as the telephone conversation with Examiner Owens regarding the above-identified application, Applicant provides the following comments.

In response to the Examiner's Action dated July 17, 2002, a verified translation of Applicant's priority document (JP 10-198269) was filed in order to perfect Applicant's claim for priority. In the Advisory Action, the Examiner states that:

"The Request for Reconsideration has been considered but does not place the application in condition for allowance because the Applicant has stated

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that a translation of the priority document has been filed. However, no translation has been received."

While the translation of the priority document did accompany the originally filed Request for Reconsideration, filed concurrently herewith is a verified translation of Applicant's priority document executed by Mr. Yoshiharu Iwasaka dated September 24, 2002. Accordingly, with the perfection of Applicant's priority date and thus entitling Applicant to an effective filing date of July 24, 1998, such perfection disqualifies U.S. Patent No. 6,211,561 issued to Zhao as prior art in that such reference emanated from an application which was placed on file in the U. S. Patent and Trademark Office on November 16, 1998, subsequent to Applicant's effective filing date.

Accordingly, it is respectfully submitted that Applicant's claimed invention pre-dates that of U.S. Patent No. 6,211,561 and consequently such patent cannot be considered prior art to the subject application and consequently claim 34 is now in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objection and rejections of record be reconsidered and withdrawn by the Examiner, that claims 23-27, 29, 32 and 34-40 be allowed and that the application be passed to issue.

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Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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